

FISH & ASSOCIATES, PC

Attorneys at Law

2603 Main Street, Suite 1050

Irvine, CA 92614-6232

Telephone: 949-253-0944 Facsimile 949-253-9069

**RECEIVED
CENTRAL FAX CENTER
AUG 21 2007****FACSIMILE TRANSMISSION**DATE: **AUGUST 21, 2007**TO: **Hard Copy to Follow via Mail: NO**

NAME	FAX NO.	PHONE NO.
USPTO - Group Unit: 3643 Attn: Josellito Balsa	571-273-8300	

FROM: **Jacquelyn Campbell, Paralegal**RE: **301 Submission**

OUR REF: 100745.0024	NUMBER OF PAGES, INCLUDING COVER: 16
COMPETITORS' PATENTS, ISSUES REGARDING	
BIRD-B-GONE	

MESSAGE:**Please see the attached. Thank you.**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AGENT RESPONSIBLE TO DELIVER THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU

If there are problems receiving this Fax Transmittal please call 949.253.0944, Ext. 4309.

PTO/SB/21 (09 04)

Approved for use through 07/31/2006 OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/729,330

Filing Date

December 4, 2003

First Named Inventor

Cameron A. Riddell

Art Unit

3643

Examiner Name

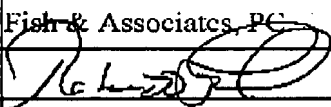
Baisa, Joselito Sasis

Attorney Docket Number

**RECEIVED
CENTRAL FAX CENTER****AUG 21 2007****ENCLOSURES (Check all that apply)**

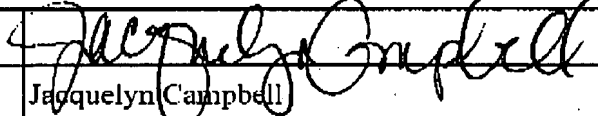
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Submission of Prior Art Under 35 USC 301 and Copy of Cited Reference
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fish & Associates, PC		
Signature			
Printed name	Robert D. Fish		
Date	8/21/07	Reg. No.	33880

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Jacquelyn Campbell	Date	8/21/2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

RECEIVED
CENTRAL FAX CENTER
AUG 21 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231

Inventor: Cameron A. Riddell
Serial No: 10/729330
Filed: Dec. 4, 2003
For: Electric Deterrent Device

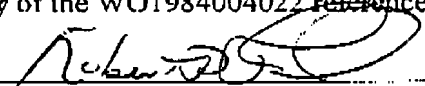
Examiner: Baisa, Joselito Sasis
Art Unit: 3643

7TH SUBMISSION OF PRIOR ART UNDER 35 U.S.C. 301

The undersigned wishes to point the Office's attention to the fact that the bird strip in WO1984004022 has a flexible base.

- Figure 2 clearly shows that the metal ribbon conductors are affixed to the deck of a boat, which almost invariably have a slight convex curvature to avoid pooling of water. The conductors must be flexible to conform to a curved deck.
- Page 2, lines 14-16 states "Preferably, the conduction means are flat metal ribbons which are laid in parallel pairs closely-spaced along the surface of the boat...." (emphasis added). The term "ribbon" strongly implies (or even necessitates) that the device is flexible. See also Page 3, lines 22-30.
- Page 5, lines 12-17 states "Furthermore, ... each conductor 19 and 20 may be a flexible metal braid, of the type known as "Monel" mesh sewn to the insulating layer, or may be a metallised [sp] plastics tape." (emphasis added). The only reason to report that the mesh is flexible is if that flexibility is useful in some way, and that would only occur if the base is also flexible. See also claim 4.
- Page 5, lines 12-17 states "Furthermore, ... each conductor 19 and 20 may be a ... a metallised [sp] plastics tape." (emphasis added). The term "tape" strongly implies (or even necessitates) that the device is flexible. See also claim 5.

A copy of the WO1984004022 reference is attached.

By: 
Robert D. Fish
Reg. no. 33,880